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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,639	06/19/2001	Heikki Halkosaari	309-010104-US (PAR)	2656

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EXAMINER

DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 11/20/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,639

Applicant(s)

HALKOSAARI ET AL.

Examiner

Willie J. Daniel, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/19/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 614
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "64" has been used to designate both Fig. 2 "bottom" of telephone circuitry and Fig. 2 and 3 "fastener point" of top shell. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "144" has been used to designate both an element of Fig. 3 and a directional movement in Fig. 4A. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Fig. 2 does not show [ref. 48] as stated on pg. 7, ln. 4, 20; Fig. 3 does not show [ref. 114] that is stated on pg. 11, ln. 12, 14, 20. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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Specification

4. The disclosure is objected to because of the following informalities: [ref. 64] refers to "bottom" as stated on page 6, line 28 and "fastener point" on page 8, lines 2, 24; page 10, line 32. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Phillips (US 6,078,792).

Regarding **Claim 1**, a mobile communication device (10) comprising: telephone circuitry (36) having a front side, the front side of the telephone circuitry (36) having a top end and a bottom end, as discussed in col. 2, ln. 45-50; and as shown in Figs. 1 and 2; and a housing (20) having a top shell (22) and a bottom shell (24), the top shell and the bottom shell being disconnectable, as shown in Fig. 2; wherein the housing (20) is adapted to substantially enclose the telephone circuitry (36) when the top shell (22) and the bottom shell (24) are mated in a direction from the top end to the bottom end, as discussed in col. 2, ln. 45-46; and as shown Figs. 1 and 2.

Regarding **Claim 2**, the mobile communication device (10) of claim 1 further comprising a user interface, the user interface usable by a mobile communication device user on the front side of the telephone circuitry (36), and as shown in Figs. 1 and 2.

Regarding **Claim 3**, wherein the user interface comprises a display (32), the display viewable by the mobile communication device (10) user through the housing (20), as discussed in col. 2, ln. 30-44; and as shown in Figs. 1 and 2.

Regarding **Claim 4**, wherein the user interface comprises a touch pad (30), the touch pad (30) interfaced to by the mobile communication device user through the housing (20), as shown in Figs. 1 and 2.

Regarding **Claim 19**, a method of assembling a mobile communication device (10) comprising the steps of: providing telephone circuitry (36) having a front side, the front side having a top end and a bottom end, as shown in Fig. 2; providing a housing (20) having a top shell (22) and a bottom shell (24), the top shell (22) and the bottom shell (24) being disconnectable; mating the top shell (22) and the bottom shell (24) around the telephone circuitry (36) in a direction from the top end to the bottom end of the telephone circuitry, as shown in Figs. 1 and 2.

Regarding **Claim 20**, further comprising the step of connecting the top shell to the bottom shell with a fastener or interlocking flanges, as discussed in col. 2, ln. 56-57; and as shown in Figs. 1 and 2.

Regarding **Claim 21**, wherein the device is a cordless telephone handset (10), as discussed in col. 2, ln. 31-35; and as shown Figs. 1 and 2.

Regarding **Claim 22**, the mobile communication device (10) comprises a cordless telephone handset (10), as discussed in col. 2, ln. 31-35; and as shown Figs. 1 and 2.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (US 6,078,792) in view of Nothnagel et al. (US 4,397,035).

Regarding **Claim 5**, Phillips teaches of having of mobile communication device (10) having water-absorbent packing, as discussed in col. 1, ln. 51-64. The difference between Phillips and the claimed is the isolation of the telephone circuitry from water by a seal.

Nothnagel et al. teaches of the seal (18) being adapted to isolate the telephone circuitry within the housing from water outside the housing, as discussed in col. 2, ln. 64 - col. 3, ln. 3; and as shown in Fig. 1.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Phillips and Nothnagel et al. to have a seal between the top shell and the bottom shell, the seal being adapted to isolate the telephone circuitry within the housing from water outside the housing.

The advantage of combining the teachings of Phillips and Nothnagel et al. is to prevent water from penetrating the housing of a mobile communication device.

Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (US 6,078,792) in view of Curtis et al. (US 6,594,472).

Regarding **Claim 6**, Phillips teaches having a housing (10). The difference between Phillips and the claimed is the interchangeable housing with another changeable housing by the mobile communication user.

Curtis et al. teaches of the housing being adaptable to be interchange with a second changeable housing that is changeable by a mobile communication device user, as discussed in col. 1, ln. 8-17,35-54; and as shown in Figs. 1, 3-5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Phillips and Curtis et al. to have wherein the housing is adapted to be interchangeable with a second changeable housing that is changeable by a mobile communication device user.

The advantage of combining the teachings of Phillips and Curtis et al. is to allow the user to easily change the housing without requiring any special training or tools as well as to allow replacing of the upper or lower housing if damaged or to change the appearance of the mobile communication device.

Regarding **Claim 7**, the combination of Phillips and Curtis et al. further teaches wherein the second changeable housing has a different predetermined characteristic than the housing, as discussed in Curtis et al. col. 1, ln. 12-15, 48-54.

Regarding **Claim 8**, the combination of Phillips and Curtis et al. further teaches wherein the housing is adapted to be interchangeable with a second changeable housing that is changeable by a mobile communication device user without the use of a tool, as discussed in Curtis et al. col. 1, ln. 8-17, 35-54.

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Regarding **Claim 9**, the combination of Phillips and Curtis et al. comprising at least one fastener, wherein the fastener or attaching means is adapted to couple the top shell to the bottom shell, as discussed in Curtis et al. col. 1, ln. 35 - col. 2, ln 17. The fastener or attaching means allows one housing to connect to a second housing.

Regarding **Claim 10**, the combination of Phillips and Curtis et. al. further teaches wherein the fastener comprises a latch or latching member, as discussed in Curtis et al. col. 1, ln. 35 - col. 2, ln. 17.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (US 6,078,792) and Curtis et al. (US 6,594,472) as applied to claim 9 above, and further in view of Carlson et al. (5,241,592).

Regarding **Claim 11**, the combination of Phillips and Curtis et. al. lacks the rotatable key as stated by the claimed. Carlson et al. teaches of having a rotatable key (132) for connecting components of a mobile communication device, as discussed in col. 2, ln. 5-17; col. 6, ln. 2-5; and as shown in Figs. 1, 2, 5c, and 7-8.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Phillips, Curtis et al., and Carlson et al. wherein the fastener comprises a rotatable key.

The advantage of combining the teachings of Phillips, Curtis et al., and Carlson et al. is to fasten or attach one component with another component of a mobile communication device.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (US 6,078,792) and Nothnagel et al. (4,397,035) in view of Curtis et al. (US 6,594,472).

Regarding **Claim 12**, the combination of Phillips and Nothnagel teaches of having a waterproof mobile communication device (10, see Phillips Fig. 1) comprising: a housing having a first shell (22) and a second shell (24), the first shell (22) and the second shell (24) being disconnectable by a mobile communication device user, as shown in Phillips Figs. 1 and 2; and a seal (18, see Nothnagel et al. Fig. 1) between the first shell (1) and the second shell (2), the seal being adapted to isolate telephone circuitry within the housing from water outside the housing, as discussed Nothnagel et al. in col. 2, ln. 64 - col. 3, ln. 3. The difference between the combination of Phillips and Nothnagel et al. and the claimed is the changeable housing.

Curtis et al. teaches of having a housing wherein the housing is adapted to be interchangeable with a second chargeable housing that is changeable by the mobile communication device user, as discussed in col. 1, ln. 8-17, 35-54; and as shown in Figs. 1, 3-5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Phillips, Nothnagel et al., and Curtis et al. to have a waterproof mobile communication device comprising: a housing having a first shell and a second shell, the first shell and the second shell being disconnectable by a mobile communication device user; and a seal between she first shell and the second shell, the seal being adapted to isolate telephone circuitry within the housing from water outside the

housing; wherein the housing is adapted to be interchangeable with a second chargeable housing that is changeable by the mobile communication device user.

The advantage of combining the teachings of Phillips, Nothnagel et al., and Curtis et al. is to have a waterproof mobile communication device that will allow the user to easily change the housing without requiring any special training or tools as well as to allow replacing of the upper or lower housing if damaged or to change the appearance of the mobile communication device.

Regarding **Claim 13**, the combination of Phillips, Nothnagel et al., and Curtis et. al. further teaches a user interface having a display (32), the display (32) viewable by the mobile communication device user through the housing, as shown in Phillips Figs. 1 and 2.

Regarding **Claim 14**, the combination of Phillips, Nothnagel et al., and Curtis et. al. further teaches wherein the second changeable housing has a different predetermined characteristic than the housing, as discussed in Curtis et al. col. 1, ln. 8-17, 48-54; and as shown in Figs. 1, 3-5.

Regarding **Claim 15**, the combination of Phillips, Nothnagel et al., and Curtis et. al. further teaches wherein the housing and the second changeable housing can be changeable by the mobile communication device user without the use of a tool, as discussed in Curtis et al. col. 1, ln. 8-17, 35-54; and as shown in Figs. 1, 3-5.

Regarding **Claim 16**, the combination of Phillips, Nothnagel et al., and Curtis et. al. further teaches at least one fastener, wherein the fastener or attaching means is adapted to couple the first shell to the second shell, as discussed in Curtis et al. col. 1, ln. 35 - col. 2, ln 17. The fastener or attaching means allows one housing to connect to a second housing.

Regarding **Claim 17**, the combination of Phillips, Nothnagel et al., and Curtis et. al. further teaches wherein the fastener comprises a latch or latching member, as discussed in Curtis et al. col. 1, ln. 35 - col. 2, ln. 17.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips (US 6,078,792), Nothnagel et al. (US 4,397,035), and Curtis et al. (US 6,594,472) as applied to claim 17 above, and further in view of Carlson et al. (US 5,241,592).

Regarding **Claim 18**, the combination of Phillips, Nothnagel et al., and Curtis et. al. lacks the rotatable key as stated by the claimed. Carlson et al. teaches of having a rotatable key (132) for connecting components of a mobile communication device, as discussed in col. 2, ln. 5-17; col. 6, ln. 2-5; and as shown in Figs. 1, 2, 5c, and 7-8.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Phillips, Nothnagel et al., Curtis et al., and Carlson et al. wherein the fastener comprises a rotatable key.

The advantage of combining the teachings of Phillips, Nothnagel et al., Curtis et al., and Carlson et al. is to fasten or attach one component with another component of a mobile communication device.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Slipy et al.** (US 5,848,152) discloses *Communication Device Having Interchangeable Faceplates and Active Keypad Cover*.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (703) 305-8636. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-3180.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-5424.

Marsha D Banks-Harold

MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

WJD,JR/wjd,jr
14 November 2003